

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

AMERINDO INVESTMENT ADVISORS INC.,
AMERINDO INVESTMENT ADVISORS, INC.,
AMERINDO ADVISORS UK LIMITED,
AMERINDO MANAGEMENT INC.,
AMERINDO TECHNOLOGY GROWTH FUND, INC.,
AMERINDO TECHNOLOGY GROWTH FUND II, INC.,
TECHNO RAQUIA, S.A.,
ALBERTO W. VILAR, and
GARY ALAN TANAKA,

Defendants.

05 Civ. 5231 (RJS)
ECF CASE

CLERK'S CERTIFICATE

I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify as follows:

1. The action against Amerindo Investment Advisors Inc. ("Amerindo US") was commenced on June 1, 2005 by the filing of a complaint (the "Complaint"). (Docket No. 1)

2. On June 25, 2005, Eugene R. Licker, Esq., counsel to Amerindo US, acknowledged accepting service of the summons and Complaint on behalf of Amerindo US. Counsel's acknowledgment of service is at Docket No. 23. Amerindo US answered the Complaint on August 19, 2005. (Docket No. 28)

3. On November 17, 2005, Plaintiff filed an amended complaint (the "Amended Complaint") against Amerindo US and also named as defendants Amerindo Investment Advisors, Inc., Amerindo Advisors UK Limited, Amerindo Management Inc., Amerindo

Technology Growth Fund, Inc., Amerindo Technology Growth Fund II, Inc., and Techno Raquia, S.A. (collectively with Amerindo US, the “Entity Defendants”). (Docket No. 44) On November 21, 2005, Eugene R. Licker, Esq., counsel to Amerindo US, acknowledged accepting service of the Amended Complaint on behalf of Amerindo US. Counsel’s acknowledgment of service is at Docket No. 62.

4. It appears from the docket entries that the summons and Amended Complaint were served on Amerindo Investment Advisors, Inc., Amerindo Advisors UK Limited, Amerindo Management Inc., Amerindo Technology Growth Fund, Inc., Amerindo Technology Growth Fund II, Inc., and Techno Raquia, S.A., by personal service on Gary Tanaka and Alberto Vilar on November 22, 2005 and November 30, 2005, respectively. Affidavits of service for Amerindo Investment Advisors, Inc. are at Docket Nos. 50 and 51; for Amerindo Advisors UK Limited at Docket Nos. 52 and 53; for Amerindo Management Inc. at Docket Nos. 54 and 55; for Amerindo Technology Growth Fund, Inc. at Docket Nos. 56 and 57; for Amerindo Technology Growth Fund, II, Inc. at Docket Nos. 58 and 59; and for Techno Raquia, S.A. at Docket Nos. 60 and 61.

5. The Court extended the time for all of the Entity Defendants to answer the Amended Complaint to May 10, 2010 (Docket No. 123), and thereafter the Court extended the time for Amerindo US to answer the Amended Complaint to June 10, 2010 (Docket No. 126) and for Amerindo Technology Growth Fund, Inc., Amerindo Technology Growth Fund II, Inc., and Techno Raquia, S.A., to answer the Amended Complaint to July 16, 2010. (Docket Nos. 124 & 134)

6. On July 14, 2010, the Court granted the motion of Eugene R. Licker, Esq., counsel to defendant Amerindo US, to withdraw his appearance as counsel for Amerindo US. (Docket No. 143)

7. On May 4, 2012, the Court authorized Plaintiff to file a second amended complaint (the “Second Amended Complaint”) (Docket No. 226), and on May 25, 2012, Plaintiff filed a Second Amended Complaint against all of the Entity Defendants. (Docket No. 229)

8. It appears from the docket entries that the Second Amended Complaint was served on all of the Entity Defendants by personal service on Alberto Vilar and Gary Tanaka on July 3, 2013 and July 24, 2013, respectively. The affidavit of service reflecting personal service on Alberto Vilar is at Docket No. 233 and the affidavit of service reflecting personal service on Gary Tanaka is at Docket No. 255.

9. The docket entries indicate that Amerindo US has not answered the Amended Complaint or the Second Amended Complaint or otherwise moved with respect to the Amended Complaint or Second Amended Complaint herein.

10. The docket entries indicate that Amerindo Investment Advisors, Inc., Amerindo Advisors UK Limited, Amerindo Management Inc., Amerindo Technology Growth Fund, Inc., Amerindo Technology Growth Fund II, Inc., and Techno Raquia, S.A., have not filed an answer or otherwise moved with respect to the Complaint, the Amended Complaint, or the Second Amended Complaint herein, and have not appeared in this action.

11. The defaults of defendants Amerindo Investment Advisors Inc., Amerindo Investment Advisors, Inc., Amerindo Advisors UK Limited, Amerindo Management Inc., Amerindo Technology Growth Fund, Inc., Amerindo Technology Growth Fund II, Inc., and Techno Raquia, S.A., are hereby noted.

Dated: New York, New York

Sept. 11, 2013

RUBY J. KRAJICK
Clerk of Court

By: 
Deputy Clerk